

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CR. NO. 3:05-15 (CMC)
)	
v.)	OPINION and ORDER
)	
Gary Rasheen Dargan)	
)	
Defendant.)	
_____)	

This matter is before the court on Petitioner's *pro se* motion for relief pursuant to 28 U.S.C. § 2255. On June 14, 2010, the Government moved to dismiss the motion. Dkt. # 59 (filed June 14, 2010). On August 13, 2010, the Government moved to withdraw the motion and indicated that it did not oppose Defendant's motion for relief. Dkt. # 64 (filed Aug. 13, 2010).

The court **grants** the motion for relief under 28 U.S.C. § 2255. The Judgment Order in CR 3:05-15 entered February 3, 2006, is hereby **vacated**, and this matter is set for resentencing on **Thursday, September 23, 2010, at 2:30 p.m.** The Federal Public Defender is appointed to represent Defendant for purposes of resentencing.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 13, 2010